

## Message Text

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INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-02 PRS-01 SP-02 SS-15 USIA-15 SAJ-01

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R 311623Z AUG 76

FM AMEMBASSY BONN

TO SECSTATE WASHDC 1453

INFO AMEMBASSY BERLIN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY ROME

USMISSION NATO BRUSSELS

USMISSION USBERLIN

AMCONSUL BREMEN

AMCONSUL DUSSELDORF

AMCONSUL FRANKFURT

AMCONSUL HAMBURG

AMCONSUL MUNICH

AMCONSUL STUTTGART

UNCLAS SECTION 01 OF 03 BONN 14529

E.O. 11652: N/A

TAGS: PINT, PGOV, GW

SUBJECT: THE WEST GERMAN ELECTION SYSTEM

BEGIN SUMMARY: WITH THE OCTOBER 3 BUNDESTAG ELECTION AT HAND, IT IS USEFUL TO REVIEW THE WAY THE ELECTION SYSTEM WORKS. EACH GERMAN VOTER HAS TWO VOTES. THE FIRST HE CASTS FOR A CANDIDATE IN HIS ELECTION DISTRICT, ONE OF 248 IN THE FEDERAL REPUBLIC. THE SECOND HE CASTS FOR A PARTY LIST DRAWN UP ON THE STATE LEVEL. IT IS THE SECOND VOTE WHICH DETERMINES THE PROPORTIONAL DISTRIBUTION OF THE 496 (EXCLUDING BERLIN) BUNDESTAG SEATS AMONG THE POLITICAL PARTIES. NONE OF THE SPLINTER UNCLASSIFIED

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PARTIES OF THE LEFT OR RIGHT ARE EXPECTED TO CLEAR THE

HURDLE OF A FIVE PERCENT MINIMUM NATIONAL VOTE (OR THREE CANDIDATES DIRECTLY ELECTED). THE NEXT GOVERNMENT WILL THUS BE FORMED UPON THE BASIS OF HOW WELL THE MAJOR PARTIES, CDU/CSU, SPD, FDP, DO ON OCTOBER 3. END SUMMARY.

1. WITH THE BUNDESTAG ELECTION ABOUT A MONTH AWAY IT IS USEFUL TO REVIEW THE RATHER COMPLEX FRG ELECTION SYSTEM. CONSTRUCTED AFTER THE TOTAL DEFEAT OF NAZI GERMANY, THE WEST GERMAN FEDERAL ELECTION SYSTEM WAS DESIGNED TO PROVIDE A MEANS OF FREE AND DIRECT ELECTIONS WITHOUT FALLING PREY TO THE MISTAKES OF THE WEIMAR REPUBLIC.

2. ON THE ONE HAND, THE ELECTORAL SYSTEM WAS SUPPOSED TO COMPLICATE THE CONCENTRATION OF POWER INTO THE HANDS OF A SINGLE POLITICAL PARTY AND, ON THE OTHER, TO AVOID THE PROLIFERATION OF SPLINTER PARTIES WHICH CHARACTERIZED THE WEIMAR PARLIAMENT. ALMOST THREE DECADES OF EXPERIENCE INDICATE THAT THE GERMANS HAVE SUCCEEDED IN THESE GOALS. THE MULTITUDE OF SMALL PARTIES REPRESENTED IN THE BUNDESTAG IN THE EARLY YEARS HAS SHAKEN DOWN TO THREE MAJOR PARTIES. AT THE SAME TIME IT HAS PROVEN VERY DIFFICULT FOR A SINGLE PARTY TO OBTAIN AN ABSOLUTE MAJORITY (I.E., ONLY ONCE SINCE THE FOUNDING OF THE FRG HAS A PARTY SUCCEEDED IN DOING SO--THE CDU/CSU IN 1957). THE RESULT HAS BEEN THAT THE SMALL LIBERAL PARTY (THE FDP) HAS PLAYED A CENTRAL ROLE IN DETERMINING WHO GOVERNS WEST GERMANY.

3. ACCORDING TO THE WEST GERMAN BASIC LAW (I.E., THE CONSTITUTION), A NEW BUNDESTAG IS ELECTED EVERY FOUR YEARS, OR WITHIN 60 DAYS OF DISSOLUTION, BY DIRECT, FREE AND SECRET ELECTION. THE MINIMUM AGE TO VOTE IS 18 AND CANDIDATES MUST BE AT LEAST 21 YEARS OF AGE.

4. EACH VOTER HAS TWO VOTES. THE FIRST VOTE IS CAST FOR A CANDIDATE IN THE VOTER'S ELECTION DISTRICT. THERE ARE 248 ELECTION DISTRICTS IN THE FRG EXCLUDING BERLIN. THE CANDIDATE RECEIVING A PLURALITY IN THE DISTRICT IS UNCLASSIFIED

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ELECTED TO THE BUNDESTAG. A CANDIDATE MUST NOT BE AFFILIATED WITH A POLITICAL PARTY, BUT IT IS EXTREMELY RARE FOR AN INDEPENDENT CANDIDATE TO BE ELECTED TO THE BUNDESTAG AND NONE ARE EXPECTED IN 1976.

5. THE SECOND VOTE IS CAST FOR A PARTY LIST DRAWN UP ON THE LAND (STATE) LEVEL. THE NUMBER OF VOTES EACH POLITICAL PARTY RECEIVES FROM THE SECOND VOTE DETERMINES

THE COMPOSITION OF THE BUNDESTAG. IF, FOR EXAMPLE, A PARTY RECEIVES 40 PERCENT OF THE SECOND VOTE, THE PARTY RECEIVES APPROXIMATELY 40 PERCENT OF THE SEATS IN THE BUNDESTAG. THIS IS INTENDED TO AVOID ONE OF THE BEST-KNOWN EFFECTS OF THE PURE SINGLE-MEMBER DISTRICT SYSTEM: THAT A SMALL PLURALITY IN THE POPULAR VOTE, BY PRODUCING A LARGE NUMBER OF NARROW VICTORIES FOR ONE OR ANOTHER PARTY, CAN SNOWBALL INTO A MUCH GREATER PARLIAMENTARY MAJORITY--ESPECIALLY IF OTHER PARTIES DIVIDE THE OPPOSITION VOTE AMONG EACH OTHER.

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INFO AMEMBASSY BERLIN

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AMEMBASSY PARIS

AMEMBASSY ROME

USMISSION NATO BRUSSELS

USMISSION USBERLIN

AMCONSUL BREMEN

AMCONSUL DUSSELDORF

AMCONSUL FRANKFURT

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6. AS EVERY CANDIDATE ELECTED DIRECTLY IN THE 248 ELECTION DISTRICTS RECEIVES A SEAT IN THE BUNDESTAG, THE CANDIDATES WHO HAVE BEEN ELECTED DIRECTLY ARE SUBTRACTED FROM THE TOTAL NUMBER EACH PARTY RECEIVES IN THE BUNDESTAG. THIS IS COMPUTED ON A LAND BY LAND BASIS, AND THEN THE REMAINING SEATS THE PARTY IS ENTITLED TO ARE TAKEN, IN DESCENDING ORDER, FROM THE PARTY'S LAND LIST.

7. THE TOTAL NUMBER OF SEATS EACH PARTY RECEIVES IN THE BUNDESTAG FROM ITS SHARE OF THE SECOND VOTE IS UNCLASSIFIED

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DETERMINED BY THE D'HONDT PROPORTIONAL REPRESENTATION SYSTEM. THE TOTAL NUMBER OF SEATS EACH LAND RECEIVES IN THE BUNDESTAG IS DETERMINED BY THE TOTAL OF VALID VOTES CAST IN THE LAND. THUS, IT IS IMPOSSIBLE TO KNOW, IN ADVANCE, WHAT THE PRECISE NUMBER OF DEPUTIES FROM EACH LAND WILL BE.

8. THE TOTAL NUMBER OF BUNDESTAG SEATS CAN VARY BEYOND 496. SHOULD A PARTY HAVE MORE CANDIDATES ELECTED DIRECTLY IN A LAND THAN THE PARTY'S TOTAL IN THE SECOND VOTE, SEATS ARE ADDED TO THE BUNDESTAG TO ACCOMMODATE ALL THE DIRECTLY ELECTED DEPUTIES. THIS HAS NOT HAPPENED SINCE 1965 AND IS NOT EXPECTED THIS YEAR.

9. ALTHOUGH ANY CANDIDATE WHO IS DIRECTLY ELECTED IS ENTITLED TO A SEAT IN THE BUNDESTAG, A POLITICAL PARTY MUST RECEIVE AT LEAST FIVE PERCENT OF THE TOTAL NATIONAL VOTE OR HAVE THREE CANDIDATES AFFILIATED WITH THE PARTY ELECTED DIRECTLY IN THREE ELECTION DISTRICTS IN ORDER FOR THE PARTY AS SUCH TO BE REPRESENTED IN THE BUNDESTAG. THIS IS VERY RARE AND NONE OF THE SMALL LEFT-WING OR RIGHT-WING PARTIES ARE EXPECTED TO CLEAR THESE HURDLES IN THIS YEAR'S ELECTION.

10. BERLIN REPRESENTATION IN THE BUNDESTAG IS A SPECIAL CASE. THE BUNDESTAG DEPUTIES FROM BERLIN HAVE ONLY LIMITED VOTING RIGHTS IN PLENARY SESSION AND ARE INDIRECTLY ELECTED TO THE BUNDESTAG. THE DISTRIBUTION OF BERLIN DEPUTIES IN THE BUNDESTAG IS DETERMINED BY PARTY STRENGTH IN THE BERLIN ABGEORDNETENHAUS AND REFLECTS THE RESULTS OF STATE ELECTIONS IN BERLIN. THEREFORE THE DISTRIBUTION OF SEATS IN THE 8TH BUNDESTAG WILL BE BASED ON THE RESULTS OF THE 1975 BERLIN ELECTION (I.E., THERE WILL BE 11 CDU DEPUTIES, 10 SPD DEPUTIES AND 1 FDP DEPUTY IN THE 8TH BUNDESTAG).

11. THE DUAL VOTE SYSTEM PROVIDES THE GERMAN VOTER WITH THE OPPORTUNITY TO SPLIT HIS VOTE. HE MAY SUPPORT A LOCAL CANDIDATE OF ONE PARTY AND THEN USE HIS SECOND VOTE FOR ANOTHER PARTY. TRADITIONALLY, THE FDP RECEIVES MORE VOTES FROM THE SECOND VOTE THAN FROM THE FIRST.

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IN FACT, NO FDP BUNDESTAG DEPUTY HAS BEEN ELECTED DIRECTLY SINCE 1961. IN 1969 AND 1972, LIBERAL VOTERS USED THEIR FIRST VOTE TO SUPPORT SPD CANDIDATES (AND THUS THE COALITION) BECAUSE THEIR CANDIDATES DID NOT STAND A CHANCE OF BEING ELECTED DIRECTLY. IN 1972, SOME SOCIAL DEMOCRATIC VOTERS CAST THEIR SECOND VOTES FOR THE FDP TO INSURE THE CONTINUATION OF THE COALITION BY GUARANTEEING THAT THE FDP CLEAR THE FIVE PERCENT HURDLE.

12. THE INTERPLAY BETWEEN THE FIRST AND SECOND VOTES DIFFERS FROM LAND TO LAND. IN A LAND WHERE ONE PARTY IS VERY STRONG--THE CDU IN BADEN-WUERTTEMBERG, THE SPD IN HAMBURG--POSITION ON THE LAND LIST FOR MEMBERS OF THE DOMINANT PARTY IS LESS IMPORTANT BECAUSE CANDIDATES FROM THE STRONGER PARTY ARE LIKELY TO BE DIRECTLY ELECTED IN THEIR RESPECTIVE ELECTION DISTRICTS. WHERE

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A PARTY IS WEAKER, A GOOD POSITION ON THE LAND LIST IS  
CRITICAL .

13. LOCAL PARTY ORGANIZATIONS HAVE CONSIDERABLE AUTONOMY IN SELECTING CANDIDATES. LEGALLY, THE LAND OR NATIONAL PARTY ORGANIZATIONS CANNOT DICTATE TO THE ORGANIZATIONS IN THE ELECTION DISTRICTS WHO THE CANDIDATE SHOULD BE. ALTHOUGH SOME PRESSURE MAY COME FROM ABOVE, LOCAL AND LAND ORGANIZATIONS ARE EXTREMELY JEALOUS OF THEIR POLITICAL AUTONOMY AND THE NATIONAL PARTY HEADQUARTERS HANDLES THEM WITH CONSIDERABLE CAUTION.

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14. ONE RESULT OF POLITICAL REGIONALISM AND LOCALISM IS THAT A POLITICIAN, EVEN ONE OF NATIONAL AND INTERNATIONAL REPUTATION, NEGLECTS HIS GRASS-ROOTS SUPPORT AT HIS OWN PERIL. DEFENSE MINISTER LEBER, FOR EXAMPLE, RAN INTO DIFFICULTY IN ASSURING RENOMINATION IN HIS ELECTION DISTRICT AND RATHER THAN FACE A DIFFICULT BATTLE FOR THE NOMINATION, SETTLED FOR THE TOP SPOT ON THE LAND LIST. EVEN CHANCELLOR SCHMIDT ASSIGNS A KEY AIDE TO CARING FOR HIS ELECTION DISTRICT IN HAMBURG.

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